

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

—
BARRY LINTON,

Plaintiff

v.

NEW YORK LIFE INSURANCE AND ANNUITY
CORPORATION,

Defendant.

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: C.A. No. 04-11362-RWZ
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JOINT STIPULATION TO AMEND SCHEDULING ORDER

Plaintiff Barry Linton through his undersigned counsel, and Defendant New York Life Insurance and Annuity Corporation (“New York Life”), through its undersigned counsel, (collectively, the “Parties”) hereby stipulate and agree that the time to exchange affirmative expert reports as required by Fed. R. Civ. P. 26(a)(2), shall be extended from **August 31, 2005** to **October 31, 2005**. The Parties further stipulate and agree to identify any affirmative expert and the general subject matter on which the identified affirmative expert is expected to testify no later than **September 30, 2005**. The Parties further stipulate and agree that dispositive motions, if any, shall be served by **December 16, 2005**. The Parties state that deposition scheduling has taken longer than anticipated, that neither party will be prejudiced by the extension and that an extension will not adversely affect any court deadline.

Respectfully submitted,

BARRY LINTON

NEW YORK LIFE INSURANCE AND
ANNUITY CORPORATION

By his attorneys,

By its attorneys,

/s/Richard J. Grah

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Dated: August 30, 2005

So ordered,

Honorable Rya W. Zobel, U.S.D.J.